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Attorneys for Defendant National Association of Independent Landlords, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

SAMANTHA JOHNSON

Plaintiff,

v.

TRANSUNION RENTAL SCREENING
SOLUTIONS, INC., and NATIONAL
ASSOCIATION OF INDEPENDENT
LANDLORDS, INC.,

Defendants.

Case No. 3:19-CV-00661-JR

**DEFENDANT NATIONAL
ASSOCIATION OF INDEPENDENT
LANDLORDS, INC.'S ANSWER**

Defendant National Association of Independent Landlords, Inc., ("National") answers plaintiff's complaint as follows:

1.

In response to paragraph 1, National admits that the court has jurisdiction over plaintiff's claims, but denies that plaintiff is entitled to any of the relief requested.

2.

National lacks sufficient information to form a belief as to the truth of paragraph 2 and therefore denies the same.

3.

National lacks sufficient information to form a belief as to the truth of paragraph 3 and therefore denies the same.

4.

In response to paragraph 4, National admits that it is a “consumer reporting agency,” as that term is defined in 15 U.S.C. § 1681a(f). National denies the remaining allegations in paragraph 4.

5.

The allegations in paragraph 5 are directed at a different defendant, and as such, no response from National is required. To the extent a response is required, National lacks sufficient information to form a belief as to the truth of paragraph 5 and therefore denies the same.

6.

The allegations in paragraph 6 are directed at a different defendant, and as such, no response from National is required. To the extent a response is required, National lacks sufficient information to form a belief as to the truth of paragraph 6 and therefore denies the same.

7.

The allegations in paragraph 7 are directed at a different defendant, and as such, no response from National is required. To the extent a response is required, National lacks sufficient information to form a belief as to the truth of paragraph 7 and therefore denies the same.

8.

The allegations in paragraph 8 are directed at a different defendant, and as such, no response from National is required. To the extent a response is required, National lacks

sufficient information to form a belief as to the truth of paragraph 8 and therefore denies the same.

9.

The allegations in paragraph 9 are directed at a different defendant, and as such, no response from National is required. To the extent a response is required, National lacks sufficient information to form a belief as to the truth of paragraph 9 and therefore denies the same.

10.

The allegations in paragraph 10 are directed at a different defendant, and as such, no response from National is required. To the extent a response is required, National lacks sufficient information to form a belief as to the truth of paragraph 10 and therefore denies the same.

11.

The allegations in paragraph 11 are directed at a different defendant, and as such, no response from National is required. To the extent a response is required, National lacks sufficient information to form a belief as to the truth of paragraph 11 and therefore denies the same.

12.

The allegations in paragraph 12 are directed at a different defendant, and as such, no response from National is required. To the extent a response is required, National lacks sufficient information to form a belief as to the truth of paragraph 12 and therefore denies the same.

13.

In response to paragraph 13, National admits that, in or about January 2018, Lincoln Properties used National's platform to access information relating to plaintiff. National denies the remaining allegations in paragraph 13, in part based on a lack of information and belief.

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14.

National denies paragraph 14.

15.

National lacks sufficient information to form a belief as to the truth of paragraph 15 and therefore denies the same.

16.

National denies paragraph 16.

17.

In response to paragraph 17, National admits that it provided a copy of its file to plaintiff upon request. National denies the remainder of paragraph 17.

18.

National lacks sufficient information to form a belief as to the truth of paragraph 18 and therefore denies the same.

19.

National denies paragraph 19.

20.

In response to paragraph 20, National admits that the cited case speaks for itself. National lacks sufficient information to form a belief as to the truth of the remainder of paragraph 20 and therefore denies the same.

FIRST CLAIM FOR RELIEF

(Negligent Noncompliance with the FCRA – Against TURSS)

21.

In response to paragraph 21, National admits and denies as alleged above.

22.

The allegations in paragraph 22 are directed at a different defendant, and as such, no response from National is required. To the extent a response is required, National lacks

sufficient information to form a belief as to the truth of paragraph 22 and therefore denies the same.

23.

The allegations in paragraph 23 are directed at a different defendant, and as such, no response from National is required. To the extent a response is required, National lacks sufficient information to form a belief as to the truth of paragraph 23 and therefore denies the same.

24.

The allegations in paragraph 24 are directed at a different defendant, and as such, no response from National is required. To the extent a response is required, National lacks sufficient information to form a belief as to the truth of paragraph 24 and therefore denies the same.

SECOND CLAIM FOR RELIEF

(Willful Noncompliance with the FCRA – Against TURSS)

25.

In response to paragraph 25, National admits and denies as alleged above.

26.

The allegations in paragraph 26 are directed at a different defendant, and as such, no response from National is required. To the extent a response is required, National lacks sufficient information to form a belief as to the truth of paragraph 26 and therefore denies the same.

27.

The allegations in paragraph 27 are directed at a different defendant, and as such, no response from National is required. To the extent a response is required, National lacks sufficient information to form a belief as to the truth of paragraph 27 and therefore denies the same.

28.

The allegations in paragraph 28 are directed at a different defendant, and as such, no response from National is required. To the extent a response is required, National lacks sufficient information to form a belief as to the truth of paragraph 28 and therefore denies the same.

THIRD CLAIM FOR RELIEF

(Negligent Noncompliance with the FCRA – against National)

29.

In response to paragraph 29, National admits and denies as alleged above.

30.

National denies paragraph 30.

31.

National denies paragraph 31.

32.

In response to paragraph 32, National admits that plaintiff seeks attorney fees under the FCRA, but denies that plaintiff is entitled to them.

FOURTH CLAIM FOR RELIEF

(Willful Noncompliance with the FCRA – Against National)

33.

In response to paragraph 33, National admits and denies as alleged above.

34.

National denies paragraph 34.

35.

National denies paragraph 35.

36.

In response to paragraph 36, National admits that plaintiff seeks attorney fees under the FCRA, but denies that plaintiff is entitled to them.

37.

In response to paragraph 37, National admits that plaintiff seeks a jury trial, but denies that plaintiff is entitled to any relief.

38.

Except as expressly admitted above, National denies each allegation in the complaint, including any purported allegations in the prayer for relief

AFFIRMATIVE DEFENSES

39.

Plaintiff's complaint fails to state a claim against National upon which relief can be granted.

40.

Plaintiff's claims against National are barred by 15 U.S.C. §§ 1681h(e) and/or 1681t.

41.

Plaintiff lacks standing because she has not suffered any concrete harm.

42.

Any violation and/or damages resulted from the fault of plaintiff herself or of others for whom National is not responsible or liable.

43.

Any damages were aggravated by plaintiff's own failure to use reasonable diligence to mitigate them.

44.

National's conduct complied with the FCRA. Thus, National is entitled to every defense and/or limitation of liability in the FCRA.

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45.

National reserves the right to amend and to add further defenses or claims as information becomes available.

WHEREFORE, National prays for judgment in its favor; for dismissal of plaintiff's claims with prejudice; for its costs and disbursements; and for any further relief that the court decides is proper.

DATED: August 16, 2019

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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing **DEFENDANT NATIONAL ASSOCIATION OF INDEPENDENT LANDLORDS, INC.'S ANSWER** on the date indicated below by:

- mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- hand delivery,
- facsimile transmission,
- overnight delivery,
- electronic filing notification.

If served by facsimile transmission, attached to this certificate is the printed confirmation of receipt of the document(s) generated by the transmitting machine. I further certify that said copy was placed in a sealed envelope delivered as indicated above and addressed to said attorney(s) at the address listed below:

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DATED: August 16, 2019

/s/ Timothy J. Fransen

Timothy J. Fransen